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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 17008

PATENT

In Re Application of:  
Burk

Serial No: ~~09/448,082~~ 10/087867

Filed: November 23, 1999

For: CYCLOPENTANE HEPTENOIC  
OR HEPTANOIC ACID AND  
DERIVATIVES THEREOF USEFUL AS  
THERAPEUTIC AGENTS

Group No. : 1626

Examiner: D. Lambkin

Box Amendment-Fee  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**

Dear Sir:

The owner, Allergan of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 USC 154 and 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,990,138 and 5,545,665. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 USC 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held

unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

Date: 12/19/02

By: RJ Baran  
ROBERT J. BARAN  
Assistant General Counsel

ALLERGAN, INC.

☒ Please charge the terminal disclaimer fee under 37 CFR 1.20(d) to Account No. 01-0885. A duplicate of this terminal disclaimer is enclosed.

☒ PTO suggested wording for terminal disclaimer was unchanged.

Please direct all correspondence to:

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CERTIFICATE OF MAILING	
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT BY FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER OF PATENTS, WASHINGTON, D.C. 20231	
ON <u>12/20/2002</u>	Printed Name of Person Making Deposit: <u>Bonnie S. Ferguson</u>
Signature: <u>Bonnie S. Ferguson</u>	Date: <u>12/20/2002</u>